

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 MAR 11 AM D 13 99A

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
**Ramiro VASQUEZ-Fonseca** )  
Defendant. )  
\_\_\_\_\_  
)

Magistrate Case No. **'08 MJ 0766** REBUTTYCOMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section 1324(a)(2)(B)(iii)  
Bringing in Illegal Alien(s)  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **March 10, 2008**, within the Southern District of California, defendant **Ramiro VASQUEZ-Fonseca**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Fernando-ALVAREZ-Mata**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESCENCE, THIS 11<sup>th</sup> DAY OF MARCH, 2008.



James Parker  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complainant states that **Fernando ALVAREZ-Mata** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 10, 2008 at approximately 9:25 AM, **Ramiro VASQUEZ-Fonseca (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 1997 Nissan Altima. Defendant presented his valid Permanent Resident Card bearing his true name and photo to a U.S. Customs and Border Protection (CBP) Officer. Defendant stated he was not bringing anything from Mexico. The CBP Officer conducted a visual inspection of the interior of the trunk of the vehicle and discovered what appeared to be a non-factory compartment behind the rear seat. Defendant and vehicle were escorted to vehicle secondary for a more thorough inspection.

In secondary, CBP Officers removed the backrest of the rear seat and discovered a human being concealed inside a non-factory compartment. The individual was determined to be a citizen of Mexico without legal entitlements to enter the United States. The individual was retained as a Material Witness and is now identified as **Fernando ALVAREZ-Mata**.

During a video recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted knowledge of the concealed alien. Defendant admitted he was to receive \$100.00 USD if he were successful in the smuggling act.

During a separate video recorded interview, Material Witness declared he is a citizen of Mexico without legal rights or documents to enter the United States. Material Witness stated he was going to pay between \$3,000.00 to \$4,000.00 USD to be smuggled into the United States. Material Witness said he was going to Santa Rosa, California to seek employment and residency.